

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:

Court File No. 10-PR-16-46
Judge Kevin W. Eide

Estate of Prince Rogers Nelson,

Decedent.

**ORDER REGARDING AWARD OF
ATTORNEY FEES**

On October 27, 2017, designated heirs Sharon Nelson, John Nelson and Norrine Nelson (hereinafter referred to as "Petitioners") filed a Petition to Permanently Remove Comerica Bank & Trust N.A. as Personal Representative of the Estate of Prince Rogers Nelson. The Court scheduled the matter for a hearing on November 20, 2017.

At the hearing, Petitioners were represented by William Skolnick; Comerica was represented by Joseph Cassioppi; Alfred Jackson by Justin Bruntjen; and Tyka Nelson and Omarr Baker by Thomas Kane and Steven Silton.

In the Petition, Petitioners alleged a number of concerns about the performance of Comerica Bank & Trust. On December 18, 2017, the Court issued its Findings of Fact, Conclusions of Law, & Order Denying Petition to Permanently Remove Comerica Bank and Trust N.A. as Personal Representative. In that Order the Court was critical of Petitioners for filing the Petition instead of working with the Court and Personal Representative to resolve differences of opinion and avoid the expense of unnecessary adversarial proceedings. The Court denied the motion and appointed a highly respected individual to serve as a moderator or mediator for the Heirs and the Estate in hopes of restoring order to the administration of the Estate. The Court also considered the use of sanctions to achieve future compliance, with the goal of resolving disputes within the administration of the Estate through cooperation and communication between the parties, conferences with the Court or through the services of the moderator/mediator. The Court ordered:

4. The Personal Representative shall submit a statement of their attorney fees that were directly the result of responding to the Petition. The Court reserves the right to

award attorney fees in favor of the Estate and against Petitioners. If the Court does award attorney fees, the Court will not require it to be paid out-of-pocket but will offset it against attorney fees that Petitioners may, in the future, request to be paid by the Estate for work that Petitioners attorneys may do in the furtherance of the administration of the Estate.

On February 7, 2018, the Court issued an Order to Show Cause Regarding the Taxation of Attorney Fees in furtherance of its intent to consider sanctions against Petitioners. Objections to sanctions were filed by Petitioners on January 26, 2018 and February 21, 2018.

The Personal Representative filed its Declaration of Joseph J. Cassioppi on January 20, 2018 stating that the total amount of attorney fees incurred by the Estate in connection with the Petition was \$148,540.

Based upon the procedural history set forth above and based upon all of the files, records and proceedings herein, the Court makes the following:

ORDER

1. The Court hereby declines to impose sanctions on Petitioners through the award of attorney fees in favor of the Estate.

BY THE COURT:

Dated: March 28, 2017

Kevin W. Eide
Judge of District Court

MEMORANDUM

The Court continues to express concern over the filing of the initial Petition to remove Comerica Bank & Trust as the Personal Representative. However, after considerable thought, the Court is stepping back from imposing sanctions.

Petitioners have said that to impose sanctions would cause further deterioration of the ill will that has developed between them and the other heirs, as well as with Comerica, rather than improve the atmosphere of cooperation being urged by the Court. This seems somewhat ironic based upon their unwillingness to attend meetings, unwillingness to work constructively, at least for a time, with the other heirs, the Personal Representative and the Moderator/Mediator, and their

initiation of this Petition. In light of the filing of further motions now scheduled before this Court, this animosity seems to continue and, yes, perhaps the failure to impose sanctions should be considered as “extending an olive branch” by the Court.

However, Petitioners also argue that the attorney fees incurred by the Estate are excessive and the Court must agree. Upon the death of Prince Rogers Nelson, Comerica’s predecessor, Bremer Bank & Trust, was initially was faced with a barrage of legal and logistical issues that they needed to address in rapid fire. Numerous bank officers or employees, attorneys, paralegals, advisors, consultants and contractors were necessary to keep up with the pace. Today, that barrage continues but to a lesser degree. Comerica is now faced with perhaps as many issues but the Court perceives it to be at a slower pace. The Court recognizes that the Petition to remove Comerica needed to be treated seriously. However, Petitioners point out that nine attorneys and one paralegal were used to respond to the Petition. Eighteen documents were filed by the Estate consisting of 187 pages, excluding exhibits. In other words, the Estate was charged approximately \$8,250 per document and \$825 per page.

Rather than impose a sanction to achieve compliance with the Court’s intended direction, the Court will instead impose an admonition. As the Heirs to this Estate will be quick to agree, to date no one involved with this Estate except the banks, attorneys and consultants are getting anything from this Estate. Further, this Estate is not an unlimited resource! All parties must act with prudence and with restraint. The continued use of cooperation, communication, mediation and negotiation, along with recognizing that there is not an open checkbook, will greatly reduce the expenses to the Estate, increase the value of the Estate, and speed the receipt of the Estate assets by the heirs. All Estate submissions for fees and costs will be closely scrutinized going forward.

K.W.E.

NOTICE: A true and correct copy of this Order/Notice has been served by EFS upon the parties. Please be advised that orders/notices sent to attorneys are sent to the lead attorney only.